

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

BOBBY HORTON,

Plaintiff,

Case No. 1:14CV1177

v.

Hon. Robert J. Jonker

LKQ/KEYSTONE AUTOMOTIVE INDUSTRIES,

Defendant.

---

**ORDER**  
**APPROVING AND ADOPTING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on February 11, 2016. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 11, 2016, is approved and adopted as the opinion of the court.

**IT IS ORDERED** that defendant's motion to dismiss (docket #10) is **GRANTED** as to plaintiff's claims that defendant violated the ADA for failing to accommodate his disability and demoting him (as set forth in the right-to-sue letter) and his claims for relief under 42 U.S.C. § 1983 and Title VII..

**IT IS FURTHER ORDERED** that defendant's motion to dismiss (docket # 10) pursuant to Fed. R.Civ P. 12(b)(1) is **GRANTED** as to plaintiff's claim that defendant violated the ADA by creating a retaliatory hostile work environment.

This matter is **DISMISSED**.

/s/Robert J. Jonker  
Robert J. Jonker  
Chief United States District Judge

Dated: March 1, 2016